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26 KIM EMBRY and ENVIRONMENTAL
27 HEALTH ADVOCATES, INC.

16 **UNITED STATES DISTRICT COURT**

17 **EASTERN DISTRICT OF CALIFORNIA**

19 B&G FOODS NORTH AMERICA, INC.,

20 Case No. 2:20-cv-00526-KJM-DB

21 Plaintiff,

22 **NOTICE OF RELATED CASES**

23 v.

24 KIM EMBRY and ENVIRONMENTAL
25 HEALTH ADVOCATES, INC., acting as
26 enforcement representatives under California
27 Proposition 65 on behalf of the State of
California,

28 Related Case Nos.

2:24-mc-00002-DAD-DB [Glick MTQ]
2:24-mc-00003-DJC-CKD [Schulte MTQ]
2:24-mc-00011-DAD-JDP [Markley MTQ]
2:24-mc-00014-DAD-JDP [Nicholas MTQ]
2:24-mc-00040-WBS-DB [Meeker MTC]

26 Defendants.

1 **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 Pursuant to Local Rule 123(b), Defendants Kim Embry (“Embry”) and Environmental
 3 Health Advocates, Inc. (“EHA”) (together, “Defendants”) file this Notice of Related Case. The
 4 following miscellaneous cases are related because they concern discovery motions involving
 5 subpoenas served by Plaintiff B&G Foods North America, Inc. (“B&G”) in this action – *B&G*
 6 *Foods North America, Inc. v. Kim Embry/EHA*, No. 2:20-cv-00526-KJM-DB. B&G served
 7 subpoenas on counsel of record for Defendants (Messrs. Nicholas, Schulte, Glick, and Markley)
 8 and a percipient witness (Dr. Meeker). Defendants’ attorneys moved to quash B&G’s improper
 9 subpoenas. B&G moved to compel further compliance as to Dr. Meeker’s subpoena.

10 MTQ Case No.	11 Non-Party Movant	12 Filing/Transfer Date
13 2:24-mc-00002-DAD-DB	14 Noam Glick	15 12/29/2023; 01/04/2024
16 2:24-mc-00003-DJC-CKD	17 Jake Schulte	18 12/29/2023; 01/04/2024
19 2:24-mc-00011-DAD-JDP	20 Shaun Markley	21 12/29/2023; 01/04/2024
22 2:24-mc-00014-DAD-JDP	23 Craig Nicholas	24 12/29/2023; 01/09/2024
25 MTC Case No.	26 Non-Party Respondent	27 Filing/Transfer Date
28 2:24-mc-00040-WBS-DB		29 Dr. John Meeker 01/04/2024; 01/26/2024

30 Messrs. Nicholas, Schulte, Glick, and Markley (counsel of record for Defendants in this
 31 action) all move to quash subpoenas served by B&G since, among other reasons, B&G fails to meet
 32 the *Shelton* factors, and the subpoenas impose an undue burden and are harassing. Additionally,
 33 the movants request the Court impose sanctions against B&G and its counsel under Rule 26 and/or
 34 Rule 45. Separately, B&G filed a motion to compel further compliance against Dr. Meeker related
 35 to the subpoena it issued to him.

36 Under Rule 45(f), Defendants’ counsel and Dr. Meeker consented to and requested a transfer
 37 of their subpoena-related matters from the Southern District of California (Defendants’ counsel)
 38 and the Eastern District of Michigan (Dr. Meeker) to the Eastern District of California, which is
 39 already familiar with the issues presented in this complex case. Therefore, Defendants respectfully
 40

1 request that each miscellaneous case be assigned to District Court Judge Kimberly J. Mueller and
2 Magistrate Judge Deborah Barnes – i.e., the judges overseeing the underlying action.

3 Respectfully Submitted,
4 Dated: February 1, 2024

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